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SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 1 August 2001, at 10 a.m.

Chairperson: Mr. WEISSBRODT

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The meeting was called to order at 10 a.m.

ORGANIZATION OF WORK (item 1 of the provisional agenda) (continued)

1. The CHAIRPERSON informed the observers and other participants of the decisions regarding the organization of work adopted by the Sub-Commission in its closed meeting. They covered the establishment of working groups on transnational corporations and the administration of justice, the timetable for consideration of the agenda items, and the provisions for the conduct of business.

2. Mr. JOINET asked whether the final version of the agenda including the sub-items was available.

3. The CHAIRPERSON said that, following Mr. Joinet's useful comments on the first draft of the agenda complete with sub-items, a second version was being prepared and would be issued once it had been approved by the members of the Sub-Commission.

4. Mrs. DAES, noting that the members of the Sub-Commission were allowed to make one or more statements amounting to a total of not more than 10 minutes on each agenda item, proposed that they should be allowed instead to make two statements of 10 minutes each on individual items, particularly agenda item 2.

5. The CHAIRPERSON suggested that the members should hold informal consultations before the next meeting to ascertain whether there was sufficient support for that proposal.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (item 2 of the provisional agenda) (E/CN.4/Sub.2/2001/3 and Add.1-3; E/CN.4/Sub.2/2001/NGO/1, 4, 7, 8, 10, 12, 14 and 15)

6. Mr. ROSSI (International Association for Religious Freedom) said that he wished to draw the Sub-Commission's attention to human rights violations arising from religious extremism. All the major religions preached justice, freedom and peace, but erroneous religious traditions had evolved over time and, unfortunately, many of them were being strongly supported by the official representatives of religions and by States.

7. In India, the Christian and Muslim minorities were very concerned by manifestations of violence by Hindu extremists while, in Nepal, a mainly Hindu country, conversion to another religion was forbidden and punishable with prison. In Sri Lanka and Bhutan, extreme elements of Buddhism were prominent and, in the latter country, conversions were illegal. In certain European countries, where a majority practised Orthodox Christianity, the law limited or even denied the religious freedom of the non-Orthodox minorities.

8. In countries with a Muslim majority, extremists had imposed or were trying to impose shariah or Islamic law, which was highly discriminatory against women and against the religious freedom of non-Muslims and, above all, Muslims themselves, since it imposed the death penalty on those who renounced Islam. That extreme measure was in force in Saudi Arabia, Mauritania, the Sudan and Yemen. It should be recalled that the freedom to change one's religion was embodied in the Universal Declaration of Human Rights; it was thus not acceptable for Member States of the United Nations to adopt legislation that denied the right to life of men and women who merely exercised a universally recognized fundamental right. Furthermore, according to eminent Muslim jurists, the death penalty for apostasy was contrary to the teachings of the Koran and the practice of the Prophet.

9. A concerted effort was required to counteract the growth of such extremist movements, which not only threatened religious freedom but also the whole human rights system and world peace. To that end, it was necessary to acquire an in-depth knowledge of the authentic principles of the religions in question, so as to be able to counter the specious arguments used by such movements. Accordingly, the Sub-Commission should undertake a study on religious extremism, accepting the recommendation of the Special Rapporteur on freedom of religion or belief. That would be particularly appropriate since 2001 was the twentieth anniversary of the adoption of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

10. Mr. MADELIN (International Federation of Human Rights Leagues) said that violations of the rights of human rights defenders and restriction of their activities were regularly occurring in three of the republics of the former Soviet Union.

11. In Belarus, an international fact-finding mission had noted some serious obstacles to freedom of association, accompanied by direct repression of the activity of human rights defenders. For example, Yuri Bandazhevsky, who had publicized the harmful effects of the Chernobyl disaster and criticized the misuse of the Ministry of Health's budget, had been sentenced at a dubious trial to eight years' imprisonment. Also, with the approach of the 2001 presidential elections, there had been increased repression of the opposition and the independent media. It should not be forgotten that the death penalty was still in force in Belarus.

12. In Kyrgyzstan, systematic harassment of human rights defenders, members of the political opposition and the independent media had increased. Following the 2000 presidential elections, the principal members of the opposition had been detained; several independent newspapers had been banned and their journalists threatened and, recently, one of the offices of the Kyrgyz Committee for Human Rights had been closed and property from other offices had been confiscated, while two of the Committee's senior officials had gone into exile after warrants for their arrest had been issued.

13. In Uzbekistan, Shovruk Ruzimuradov, President of the Kashkadar regional office of the national human rights organization of that country had recently died in prison, almost certainly as a result of torture.

14. In Egypt, the legislative system significantly restricted the activities of human rights defenders, by penalizing access to external financing; several members of the national human

rights organization had been detained in that connection. In Tunisia, Judge Mokhtar Yahyaoui had been suspended because he had complained that judges were obliged to deliver verdicts dictated by the executive power. In addition, over a thousand prisoners of conscience were detained in inhuman and degrading conditions in prisons where torture was usual and carried out with impunity.

15. In Brazil, the social movements, particularly the organizations of the landless, were consistently repressed and there had been numerous cases of torture and assassinations; in Guatemala there had been a worrying increase in the number of attacks suffered by human rights defenders.

16. Ms. ALA'I (Baha'i International Community) said that the situation of the Baha'is in Egypt had degenerated over the last year. Her organization would have preferred to resolve the problems directly with the relevant government authorities but, since discussions over a number of years had failed to resolve the situation, it had opted to bring the issue of the human rights abuses facing the Baha'is in that country to the attention of the international community.

17. The Baha'i community had coexisted peacefully with other religious communities in Egypt since 1868 but, in 1960, the Egyptian authorities had revoked the recognition of the Baha'i faith and banned the community's activities. Then, at the last session of the United Nations Commission on Human Rights, the representative of Egypt had accused the Baha'is of extremism and of attacking Islam and, in January 2001, nine Baha'is had been imprisoned merely on account of their religious beliefs.

18. The Baha'is were not seeking any special privileges from the Egyptian Government; they merely wanted their basic human rights and the right to practise their religion. Members were not allowed to register their marriages and, thus, to obtain birth certificates for their children; evidently, that prejudiced them as regards family allowances, pensions, inheritance, divorce, alimony and child custody.

19. The Baha'i International Community consequently asked the Sub-Commission to call on the Government of Egypt to repeal the 1960 Presidential Decree dissolving the Baha'i institutions and outlawing their activities; to release the nine Baha'is who had been arbitrarily arrested in Sohag; to ensure that Baha'i marriages could be registered; to grant the Baha'is the same treatment as other religious minorities in matters concerning identity, birth and official documentation; and to direct the government-controlled media to cease disseminating incorrect information designed to stir up hatred against the Baha'is.

20. Mr. KAMAROTOS (Médecins du Monde) said that his organization had recent, reliable information that serious human rights violations continued to be perpetrated in Chechnya, including indiscriminate attacks on civilians, mass arrests, torture and cruel and inhuman treatment. Various "cleansing operations" of a punitive nature had taken place during June and July in different parts of the country; witnesses had spoken of mass arrests, torture, rape, plunder and large-scale destruction of housing.

21. The Russian Federation appeared to be completely ignoring Commission on Human Rights resolution 2001/24 and, on the contrary, was increasing the serious and systematic human

rights violations perpetrated by Russian troops in Chechnya. As a result, numerous civilians had crossed the frontier into the neighbouring republic of Ingushetia, where about 200,000 Chechens had taken refuge. Far from encouraging an eventual return, the situation was provoking fresh waves of refugees, who would soon have to face another arduous winter in camps. The official Chechen administration had been exerting pressure on refugees whose homes had been destroyed to return, but his organization considered that such pressure was extremely dangerous as long as no adequate conditions were in place to ensure them a safe return and reception.

22. The Commission's latest resolution called on the Government of the Russian Federation to allow humanitarian organizations to enter Chechnya freely and to facilitate their activities by simplifying the regulations; however, recent events appeared to indicate that the opposite was occurring.

23. His organization had set up an emergency programme in Palestine as a result of the latest events there. It was aimed, above all, at supporting the hospitals and rehabilitation centres that receive persons wounded in encounters. Following the latest increase in violence, it hoped to play a role in protecting the civilian population and ensuring respect for the provisions of the Fourth Geneva Convention regarding medical services and the evacuation of the wounded.

24. With the closure of the border posts, numerous regions, particularly the rural areas in which 70 per cent of the Palestinian population lived, were isolated without any access to health services and that had resulted in a number of deaths. Also, the obstacles to the freedom of movement of Palestinian hospital personnel as a result of the cordoning off of areas by the Israeli military authorities had greatly contributed to the disorganization of the health services and his organization urged respect for the principle of the neutrality of medical services and the protection of civilian populations, particularly those who were sick or wounded, as established in articles 16 and 17 of the Fourth Geneva Convention.

25. Mr. AHMAD (World Muslim Congress) said that his organization wished to draw attention to two human rights situations studiously ignored by the world's leaders. Both involved State-sponsored brutality against civilians. In the Republic of Chechnya, Chechen civilians were being arbitrarily detained, systematically tortured and summarily executed, as evidenced, inter alia, by the discovery of mass graves. Similar atrocities perpetrated in the Balkans and Africa would no doubt receive the prompt attention of war crimes tribunals.

26. In the Indian-occupied State of Jammu and Kashmir, the summary execution of detainees was a tool for keeping the Kashmiri population under forced subjugation. The barbaric treatment of Kashmiri civilians by Indian occupying forces included the destruction of settlements, rape and enforced disappearances. The Association of Parents of Disappeared Persons had recently laid the foundations for a memorial in Srinagar to the "disappeared". Following a recent visit to the occupied State by an independent fact-finding committee from India, local people in the mountain villages of Doda tehsil had been tortured by an Indian regiment to punish them for having given an account of their sufferings. All action taken by the Kashmiri people to further their right to liberation from Indian occupation was legitimate, and self-determination was a prerequisite for peace.

27. Mr. OZDEN (Europe - Third World Centre (CETIM)) said that, grave violations of human rights continued to be widespread in Turkey, as evidenced in the past few months by: the arrest of 300 workers protesting against new legislation to prohibit the right to strike; the re-imprisonment of the Turkish academic Fikret Baskaya for publishing an article criticizing the Government's approach to the Kurdish question; the prohibition of a book on the history of Kurdistan on the grounds that it was propaganda; the arbitrary arrest of more than 120 members and sympathisers of a pro-Kurdish party in Ankara, Içel and Aydin; the hundreds of allegations of torture recorded since the beginning of the year in the province of Diyarbakir alone; and the use of solitary confinement in prisons which had provoked a massive hunger strike.

28. The Sub-Commission should urge the Turkish authorities to end that inhuman treatment and establish an independent inquiry into the deaths of prisoners occasioned by the repeated interventions in the prisons of State security forces since 1985.

29. Ms. PARKER (International Educational Development, Inc.) said it was regrettable that the recent summit between the Heads of State of Pakistan and India had not resulted in a clear commitment to a timetable for the implementation of a United Nations plebiscite in Jammu and Kashmir. The failure to implement that plebiscite lay at the root of the 11-year crisis in the region. The violations of humanitarian law by Indian occupying forces were among the most serious of any of the world's conflicts, as many non-governmental organizations (NGOs) had testified. The Sub-Commission could usefully contribute to a resolution of the conflict by: condemning those violations; urging the Security Council to pursue the implementation of its resolutions regarding the plebiscite more aggressively; emphasizing the central role of the Kashmiri people in deciding their own fate; and promoting international mediation as a means to settle the Kashmir question.

30. Such mediation might also help to resolve the serious situation in the Moluccas, which had been occasioned in 1950 by the invasion of Javanese military forces in violation of the Round-Table Conference Agreements. It was imperative in that connection that the new Government of Indonesia be made aware of the concerns of the international community regarding violations of human rights and humanitarian law in the Moluccas and other areas seeking to exercise their rights under decolonization instruments.

31. Mr. SAFI (International Islamic Federation of Student Organizations) said that the situation in Indian-occupied Jammu and Kashmir differed from the situation in the occupied Palestinian territories in one respect only: the latter was in the international spotlight while the former went unmonitored due to the Indian Government's ban on the international media.

32. In both territories, the occupying Powers - Israel and India - maintained their illegal occupation against the wishes of the people in defiance of Security Council resolutions, circumvented negotiations with the representatives of the occupied populations and used disproportionate force to suppress their legitimate political aspirations. While Israel used "security concerns" to justify its use of brutal force against the Palestinian people, India stigmatized the Kashmiri people as "separatists" and "terrorists". Both had strongly opposed international monitoring mechanisms or presence on the ground and used collective punishments, curfews and closures to dissipate movements for self-determination.

33. The situation in Jammu and Kashmir was characterized by grave violations of human rights, yet no independent fact-finding missions had been permitted to evaluate the situation there. Moreover, no Kashmiri leaders had been allowed to participate in the Agra Summit between the Heads of State of India and Pakistan. While his organization welcomed the apparent reconciliation of the two countries, it strongly condemned the unabated campaign of violence waged against the Kashmiri people by the Indian occupying forces. It urged the Sub-Commission to call upon the Government of India to cease the carnage immediately, withdraw its 700,000 occupying troops from Jammu and Kashmir and allow Kashmiri representatives to participate in trilateral negotiations with India and Pakistan.

34. Mr. MASOOD (International Human Rights Association of American Minorities) said that the Sub-Commission was well aware of the grave situation in Jammu and Kashmir, which had been the cause of untold sufferings for millions of Kashmiri people. The international community had failed to promote the implementation of relevant United Nations resolutions, thus appearing not to recognize the untenability of India's claim on the territory. The Kashmiri people had always rejected the idea of being a part of India.

35. India had taken advantage of the passivity of the international community to massacre with impunity more than 70,000 Kashmiri men, women and children. Thousands of women had been dishonoured, young men "disappeared", communities were searched at odd hours and most Kashmiris ended up in illegal detention centres where they were subjected to brutal force and torture. Moreover, Kashmiris were prevented from travelling abroad to speak of their sufferings. The sole purpose of the puppet regime was to assist the Government of India in its efforts to portray the entire Kashmiri people as terrorists. His organization urged the Sub-Commission to "break its silence" and to inscribe the situation of human rights in the Indian-occupied Kashmir on its agenda.

36. Mr. SHIOKAWA (International Association of Democratic Lawyers) said he wished to draw attention to the violations of the human rights of Japanese workers in the public and private sectors. Unfair working hours and infringements of the right to organize were of particular concern, as were widespread gender and age discrimination. Japanese legislation had been revised to extend the compulsory retirement age to 60 years and private enterprises had reacted by dramatically reducing wages for persons over the age of 55. In the banking sector, wages had been virtually halved.

37. Ms. HAMPSON said that it might be argued that, without the ability to pass resolutions, there was no value in the Sub-Commission continuing to consider the question of the violation of human rights and fundamental freedoms in all countries, particularly since it was not supposed to address situations being considered by the Commission. For her part, she could not support that position. Silence was the best friend of the States that systematically violated human rights. The Sub-Commission would be failing in its responsibility if it did not bring such situations to the attention of the Commission, even if the latter failed to take action.

38. She would refrain from addressing those situations on the agenda of the Commission except in regard to one case which must be addressed as a matter of urgency. The previous day, an Israeli attack had killed eight people in Nablus, including two children. If the Israeli authorities possessed evidence against the individuals targeted, they should proceed to a proper

trial. In addition to constituting an unlawful means of dealing with genuine suspects, the policy of "active defence" (clearly a euphemism for assassination) ran the obvious risk of killing people in error, including innocent civilians.

39. It was to be regretted that the Commission on Human Rights did not systematically include on its agenda all situations of ongoing conflict, given that they were often the occasion - or pretext - for the most widespread violation of human rights. She wished to draw attention to a number of forgotten conflicts: in Angola, both government forces and União Nacional para a Independência Total de Angola (UNITA) troops continued to inflict large-scale human rights violations on the civilian population; in Indonesia, despite tentative moves to investigate past violations in East Timor, extrajudicial killings, disappearances, torture and arbitrary detention continued in Aceh, Papua and elsewhere; in the Philippines, there were reports of indiscriminate bombing and human rights violations by armed forces in central Mindanao. There could be no military solution to the underlying difficulties. Instead, the conduct of the fighting parties was only hampering the search for a solution. What was needed was an effective system of accountability, and the effective and fair enforcement of domestic and international criminal law.

40. She drew attention to the deplorable conditions of detention affecting hundreds of thousands of people worldwide, which amounted to inhuman and degrading treatment. The European Court of Human Rights had found that inhuman conditions existed in a prison in Greece. Dirty, overcrowded cells were common throughout Russia and, in Brazil, similar problems were exacerbated by the systematic use of torture. Certain groups of detainees were often singled out for ill-treatment, which appeared to be the case with asylum-seekers and Roma in Europe. Part of the problem was an unwillingness to devote the necessary resources to improving conditions but, even more importantly, there appeared to be an unwillingness to bring to justice State agents responsible for human rights violations.

41. Many instances of extrajudicial executions, torture and arbitrary detention continued to escape the attention of the international community, either because the situation was not regarded as sufficiently serious or because the State in question was powerful enough to deflect scrutiny. She drew attention to the situations in Côte d'Ivoire, Liberia and Zanzibar (Tanzania), as well as to discrimination against Indo-Fijians in Fiji and Bhutanese refugees of Nepali origin. With regard to powerful States, criminal judicial procedures in Saudi Arabia, denied the most basic rights, such as the right to be defended by a lawyer. Despite the accession of Saudi Arabia to the Convention on the Elimination of Discrimination against Women, women still suffered from serious discrimination in fields such as education and freedom of movement. Similarly, although the People's Republic of China had signed the two International Covenants on Human Rights, its crackdown on fundamental freedoms had continued unabated. The right to freedom of expression and the right to a fair trial were frequently violated, particularly in respect of minority groups, such as the Uighurs in Xinjiang and the Tibetans.

42. She expressed concern about the need for accountability, with particular reference to Algeria, Guatemala, Mexico and Nepal. By failing to carry out effective investigations, State authorities acquiesced and might even become responsible for human rights violations. She welcomed the transfer of former President Milošević to the Hague to stand trial, since it sent a

clear message to others in his position that there could be no impunity for human rights violations. It was regrettable that the United States had decided to pull out of negotiations for a Protocol on the implementation of the Bacteriological Weapons Convention, for what appeared to be commercial reasons. Globalization had led to the increasing interdependence of communities, and required all States to put isolationism and unilateralism behind them.

43. Mr. ANTHONY (World Organization against Torture) said he wished to draw attention to violations of the right to freedom of expression and freedom of association in a number of countries. His organization, in conjunction with the International Federation for Human Rights, had devoted several studies in its report entitled "Human Rights Defenders on the Front Line", to the freedom of association, which was an essential condition for the effectiveness of NGO work.

44. Demonstrators and human rights defenders were being arbitrarily detained in Malaysia pursuant to the Internal Security Act, which was clearly inconsistent with international standards. Police had increasingly abused their extensive powers of arrest since April 2001, in a spiralling series of demonstrations, detentions and subsequent demonstrations. In Tunisia, the Government was reported to be using court decisions to impair the work of human rights defenders, as well as putting pressure on property owners to refuse to sign contracts with known activists. In Egypt, the Government had used a ban on funding from abroad to hamper the activity of human rights defenders. Several activists who had used foreign financial assistance to promote human rights had been arrested or imprisoned, including Mr. Saad Edin Ibrahim, director of the Ibn Khaldoun Centre for Developmental Studies, who had received a seven-year prison sentence. Human rights organizations in Guatemala were victims of an increasing number of attacks, many of which were planned in such a way as to suggest State involvement.

45. Ms. COLLINS (France Libertés) said that four Kurdish members of parliament had been in prison in Turkey for the past seven years for having expressed their opinions on the Kurdish question, namely: Ms. Leyla Zana, Mr. Selim Sadak, Mr. Hatip Diclé and Mr. Orhan Dogan. Their alleged membership of an armed group had never been proved, and human rights organizations had denounced the court concerned as not being independent or impartial. Although the European Court of Human Rights had found Turkey guilty of violating article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the right to a fair trial, it had failed to reach a verdict on articles 10, 11 and 14, which included the right to freedom of expression. Her organization urged the Sub-Commission to call on the Turkish Government to release the prisoners immediately, and to organize a retrial under fair and legitimate conditions.

46. Mr. DÍAZ DE JESÚS (International Indian Treaty Council) said that the previous Government of Mexico had declared publicly that it was under no obligation to comply with Sub-Commission resolution 1998/4, which called upon it to give priority to ending impunity for human rights violations affecting indigenous peoples. A year after the election of the new Government, those responsible for massacres in Chiapas and Guerrero had still not been brought to justice, and the families of the 500 disappeared persons were no closer to discovering the fate of their relatives.

47. In March 2001, the indigenous communities had made a clear demand for a new legal framework for indigenous peoples based on the San Andrés Agreements. Instead, Congress had proposed a bill that was inconsistent with many of the international legal instruments in force. The persecution of indigenous leaders attempting to prevent that bill from being adopted revealed that the Government was unwilling to renew dialogue and reconciliation. He urged the Sub-Commission to ask the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to pay special attention to the situation in Mexico. A formal petition, signed by 78 representatives of indigenous organizations from around the world taking part in the Working Group on Indigenous Populations, had already been submitted to him with that same request.

48. Mr. BARUA (Asian Buddhist Peace Conference) said that military police forces in Indian-occupied Kashmir continued to carry out human rights violations with impunity. A series of laws introduced by the Indian Government provided for arbitrary arrests and the torture of prisoners, while abuses by the armed forces also led to denial of the right to life. Recent talks with the Government of Pakistan had foundered due to the unwillingness of India to enter into a real dialogue, and up to 700,000 military personnel remained in the State. He urged the Sub-Commission to draw attention to all human rights violations, wherever in the world they might occur.

49. Mr. ARZUAGA (International League for the Rights and Liberation of Peoples) said that his organization followed closely the situation of peoples whose right to self-determination was being denied. The United States Navy had occupied two thirds of the island of Vieques, Puerto Rico, since 1935, for use in training. Recent tests showed that the repeated use of radioactive materials had caused untold damage to the local environment. A non-official referendum had recently indicated that 80 per cent of voters were in favour of an immediate withdrawal of United States forces from the island. Yet the United States Government had shown no sign of taking such massive opposition into account.

50. The plan to carry out a referendum in Western Sahara appeared to have been replaced by a new framework agreement with a more limited scope, which offered restricted autonomy similar to that already rejected by the Frente Polisario. The current situation was increasingly tense, and had led to the imposition of restrictions on the freedom of movement of Saharans. Representatives of the organization "Truth and Justice Forum" had been arbitrarily detained when attempting to travel to Geneva to participate in the fifty-seventh session of the Commission on Human Rights.

51. Mr. LEBLANC (Franciscans International), speaking also on behalf of Dominicans for Justice and Peace, the Justice and Peace Commission of the Major Superiors Leadership Conference of Pakistan and the Justice and Peace Commission of the Catholic Bishops Conference of Pakistan, said that serious violations of human rights were being committed in Pakistan. The Special Rapporteur of the Commission on Human Rights on the question of torture, had confirmed that torture was widespread and endemic in the country. Most cases of arbitrary detention and torture took place in the context of extreme political or religious conflicts.

52. Structural and institutional protection of human rights was weak, Pakistan not having ratified the International Covenants on Human Rights or other international instruments. Discriminatory and repressive laws had been enacted against religious minorities. The Blasphemy Laws carried the death penalty for violations.

53. In 2000, the regime had introduced a new local government structure that further discriminated against minorities. Although seats were reserved for women, in practice non-Muslim women were ineligible. Seats were reserved for Muslim peasants and labourers but not for those belonging to religious minorities. Furthermore, the new structure would maintain the feudal system by enabling landlords to exercise greater control.

54. His organization urged the Government of Pakistan to ensure greater accountability, transparency, good governance and respect for the rule of law and civil rights; to repeal all discriminatory legislation, including the Blasphemy Laws; to adopt policies designed to create a more modern, liberal and secular State; to ratify the international human rights treaties it had not yet ratified and to abide by the treaties it had ratified; and to invite the Special Rapporteur on religious intolerance to pay a second visit to Pakistan.

55. Mr. GLAVICH (American Association of Jurists) said that the United States of America was the key player in the current situation in the former Yugoslav Republic of Macedonia with the passive complicity of the major European Powers, which declined to assume responsibility for the preservation of peace, security and stability in Europe. The Albanian minority in Macedonia had legitimate grievances that should be addressed through political negotiations but the military attacks that were being conducted with impunity by the Kosovo Liberation Army (KLA) from neighbouring Kosovo were another matter altogether. It was beyond belief that the big Powers were unable to neutralize and disarm the aggressors and bring them to justice.

56. The United States was bent on controlling the oil deposits on the shores of the Black Sea and the Caspian and transporting the oil through a pipeline from the Bulgarian port of Burgas to the port of Vlone in Albania. One of the multinational companies involved in the project, Halliburton Energy (closely associated with the Vice-President of the United States), had built the monster Bondsteel military base in Kosovo. To ensure the success of its project, the United States was financing, arming and protecting the KLA and seeking by all means to prevent the legitimate Government of the former Yugoslav Republic of Macedonia from defending itself against aggression. For example, President Bush's national security adviser, Ms. Condoleeza Rice, had recently urged the President of Ukraine to halt arms sales to the Government.

57. It was high time that the European Union stopped behaving as a satellite of the United States and assumed full responsibility for peace, security and stability in Europe, first and foremost in the former Yugoslav Republic of Macedonia.

58. Mr. BENNET (Afro-Asian People's Solidarity Organization) said that the noble ideal of self-determination was being usurped by power-seekers who feared democratic elections. Armed groups seeking to create homogeneous enclaves based on religion or ethnicity had been responsible for horrific violations of human rights over the past decade.

59. Afghanistan under the Taliban had become a hotbed of terrorism, providing refuge to the most wanted terrorist of all, Osama bin Laden. Members of the Abu Sayyaf group in the Philippines and of a number of Pakistan-based terrorist organizations, all ostensibly freedom fighters, had been trained in Afghanistan. The groups concerned all expounded variations of a violent ideology developed in the madrasas of Pakistan.

60. The international community should make a determined effort to prevent States from allowing their territories to be used to train armed terrorists calling for holy war against democratic States.

61. Mr. MUMTAZ KHAN (International Institute for Peace) said that women in Afghanistan had been deprived of fundamental human rights, such as the right to employment, the right to education and the right to freedom of assembly, in the name of religion. The Taliban Government was also seeking to wipe out the non-Wahhabi religious sects.

62. The media in Pakistan were being targeted by both the Government and fundamentalist forces. Newspapers had been closed down on blasphemy charges. One editor who had dared to criticize government policy was under sentence of death. Teenagers were being indoctrinated in Pakistani madrasas and sent to Indian-held Kashmir in the name of holy war.

63. People in Pakistan-occupied Kashmir had been deprived of the right to vote and run for office in recent fraudulent elections in Pakistan-occupied Kashmir. The nomination papers of 32 pro-independence candidates from the All Parties National Alliance had been rejected. Over 200 political activists had been beaten and detained for protesting against the discriminatory election laws. Not a single daily newspaper was published in that part of Kashmir. The population of Gilgit-Baltistan (known in Pakistan as the Northern Areas) was subject to the direct rule of the central authorities in Islamabad and had not enjoyed any basic rights since 1947.

64. Mr. TAHIR (Pax Romana) said that 97 per cent of the population of Pakistan were Muslims. Members of minority religions such as Christians, Ahmadis and Hindus suffered severe social and religious discrimination. In some places non-Muslims were not allowed to use the same utensils or tables as Muslims and were refused service in barbers' shops. Discrimination in employment was also common. Under the separate electorate regime imposed by Zia ul-Haq in 1985, members of religious minorities could not vote for Muslim candidates or run against them in elections. That system had aggravated religious intolerance, leading to attacks on the property and places of worship of religious minorities, an increase in crime against women members of minorities and a growth in the number of prosecutions for blasphemy.

65. His organization recommended that the human rights of all citizens of Pakistan should be protected, without any discrimination based on caste or creed. The Constitution and legislation such as the blasphemy laws and the laws on evidence that discriminated against minorities were a source of communal disharmony and should be repealed forthwith. Action should be taken to promote religious heterogeneity and harmony and to end religious intolerance in the media.

66. The separate electorate regime was flawed and should be abolished. The recommendations of the 1997 Commission of Inquiry on Women should be implemented without delay. The Government should set up a permanent tribunal for religious and other minorities to hear complaints of human rights violations and provide appropriate remedies. Lastly, there was an acute need for an impartial commission of inquiry to look into the situation of religious minorities and make recommendations to the Government.

67. Mr. SYED (European Union for Public Relations) said that the rights of the people of Jammu and Kashmir State in India were being violated by external armed groups which engaged in large-scale killing, kidnapping and vandalism. The groups were armed and sponsored by a neighbouring country, where they were known as freedom fighters. They did not even spare pilgrims visiting a holy cave, 20 of whom had been killed. The irony was, however, that most of their victims were co-religionists who refused to fall in with their designs. He trusted that the Sub-Commission could tell the difference between a true liberation movement and a struggle for political ends under the mask of religion.

68. Mr. YUNIS (Observer for Iraq) said that the Governments of the United States of America and the United Kingdom had been committing gross violations of the human rights of the people of Iraq since 1991. They continued to impose economic sanctions on the country although Iraq had fulfilled its obligations under the relevant Security Council resolutions. The sanctions had claimed the lives of 1.5 million Iraqis, mainly women and children. They also imposed illegal "no-fly zones" in the north and south of the country.

69. The Secretary-General of the United Nations had stated in June 2001 at the special session of the General Assembly on HIV/AIDS that he did not support any of the relevant Security Council resolutions. Bombing raids were carried out almost daily on the pretext of protecting the "no-fly zones". Between December 1998 and July 2001, they had killed 339 people and wounded 1,029. The United States Congress had earmarked US$ 96 million for the recruitment of mercenaries in a desperate attempt to change the regime in Iraq.

70. Notwithstanding the difficult situation in the country, his Government was eager to ensure respect for human rights through dialogue, while shunning selective interpretations of such rights that distorted the principles set forth in the Charter of the United Nations and the Universal Declaration of Human Rights. In the light of those principles, it called on the international community, through the Sub-Commission, to condemn the abhorrent economic sanctions that were the source of such massive violations of the human rights of the Iraqi people and to call for an end to the ongoing military aggression.

71. Mr. Al-FAIHANI (Observer for Bahrain) said that the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance would provide the international community with a historic opportunity to reaffirm its determination to stamp out such practices, which constituted a crime against humanity, and to adopt an effective Programme of Action to that end.

72. Bahrain under its Amir, Sheikh Hamad bin Isa Al-Khalifa, gave high priority to respect for human rights as it sought to build a modern country that preserved its traditional values and distinctive cultural characteristics. A National Charter had been approved by 95.4 per cent of the

participants in a national referendum held in February 2001. It provided for the establishment of a popularly elected assembly, accorded women the right to vote and to stand for election, and laid the foundations for the separation of powers.

73. Bahrain attached great importance to freedom of expression and the media were playing a leading role in the development of a democratic society. The Amir had granted an amnesty to persons imprisoned for security-related offences and had allowed all persons who had been exiled to return home. The issue of citizenship had been addressed and the State Security Act had been repealed. A Higher Council of the Judiciary had been established to ensure judicial independence.

The meeting rose at 1 p.m.